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REMARKS

Claims 1-29 are currently pending in the subject application and are presently under consideration. Claims 1, 18, 25, 27, and 29 have been amended and are believed to be in condition for allowance. A version of all pending claims is found at pages 2-7.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claim 1 Under 35 U.S.C. §112, first paragraph

Claim 1 stands rejected under 35 U.S.C. §112, first paragraph as being indefinite. Applicant's representative respectfully requests withdrawal of this rejection in view of the herein amendments to the subject claim.

II. Rejection of Claims 1-6, 16, 17, and 29 Under 35 U.S.C. §103 (a)

Claims 1-6, 16, 17, and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ooe (U.S. 5,659,887) in view of Shawver (U.S. 5,996,956). Applicant's representative respectfully requests withdrawal of this rejection for at least the following reasons. Neither Ooe nor Shawver alone or in combination teach or suggest the claimed invention.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations*. See MPEP §706.02(j). The *teaching or suggestion to make the claimed combination* and the reasonable expectation of success *must both be found in the prior art and not based on applicant's disclosure*. See *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

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Independent claims 1 and 29 have been amended to more clearly emphasize novel aspects relating to the latch of the claimed invention. In particular, the latch has an upper surface in a first position that is *movable perpendicular to the base* and a second position that *restricts movement of the device in a direction parallel to the base*. Ooe teaches a hands-free cellular phone mount - Ooe does not teach or suggest a latch with an upper surface that is *movable perpendicular to the base* and *restricts movement of the device in a direction parallel to the base* as in the claimed invention.

The Office Action cites Shawver to cure the aforementioned deficiencies of Ooe; however, Shawver does not teach or suggest the claimed latch and respective movement of applicant's claimed invention. Rather, Shawver teaches a latch with a movement parallel to the base. The tabs in Shawver move parallel to the base (surface 8) to allow the insertion and/or the removal of a PDA. Thus, the movement in Shawver is *not perpendicular to the base* as claimed, but rather parallel respective to the base (surface 8). Moreover, Shawver does not teach or suggest a latch with an upper surface having a first position and a second position that is *movable perpendicular to the base* and *restricts movement of the device in a direction parallel to the base* as in applicant's claimed invention.

Additionally, independent claim 1 has been amended to recite that the latch is depressed toward the base to allow at least one of an insertion of the device and a removal of the device. Neither Ooe nor Shawver teach or suggest such features. In particular, Ooe does not teach or suggest any latch, and Shawver merely teaches a separate operating button from the latch that can release the device. The depression of the latch to allow an insertion of a device and/or a removal of the device is not taught or suggested.

In view of at least the aforementioned reasons, the subject invention as recited in independent claims 1 and 29 (of which claims 2-6, 16, and 17 respectively depend upon) is not obvious over Ooe and Shawver, taken individually or in combination. Accordingly, this rejection should be withdrawn.

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III. Rejection of Claims 7, 8, and 10 Under 35 U.S.C. §103(a)

Claims 7, 8, and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ooe in view of Shawver and further in view of Desai, *et al.*, (U.S. 6,344,727). This rejection should be withdrawn for at least the following reasons.

Neither Ooe nor Shawver alone or in combination teach or suggest applicant's invention as recited in independent claim 1 (of which claims 7, 8, and 10 depend therefrom). In particular, neither Ooe nor Shawver teach or suggest *a latch* that has an upper surface with a first position and a second position, wherein the upper surface is *movable perpendicular to the base, and restricts movement of the device in a direction parallel to the base*. Desai, *et al.* does not cure the aforementioned deficiencies of Ooe and Shawver.

In view of at least the aforementioned reasons, the subject invention as recited in independent claim 1 (of which claims 7, 8, and 10 depend from) is not obvious over Ooe, Shawver, and Desai, *et al.*, taken individually or in combination. Accordingly, withdrawal of this rejection and allowance of claims 7, 8, and 10 are respectfully requested.

IV. Rejection of Claims 9 and 15 Under 35 U.S.C. §103(a)

Claims 9 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ooe and Shawver and further in view of Derr, *et al.*, (U.S. 6,634,494). Applicant's representative respectfully requests withdrawal of this rejection for at least the following reasons.

Claims 9 and 15 depend from independent claim 1. As stated *supra*, Ooe and Shawver do not teach or suggest the limitations of this independent claim. Additionally, Derr, *et al.* does not cure the aforementioned deficiencies of these primary references with respect to claim 1. Therefore, this rejection should be withdrawn.

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V. Rejection of Claims 11 and 12 Under 35 U.S.C. §103(a)

Claims 11 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ooe and Shawver and further in view of Weissappel, *et al.*, (U.S. 6,141,569). This rejection should be withdrawn for at least the following reasons.

The Examiner relies upon Weissappel, *et al.* to cure the aforementioned deficiencies of Ooe and Shawver. However, Ooe, Shawver nor Weissappel *et al.* teach or suggest all features of the claimed invention. Claims 11 and 12 are dependent upon claim 1, which recites *a latch* that has an upper surface with a first position and a second position, wherein the upper surface is *movable perpendicular to the base*, and *restricts movement of the device in a direction parallel to the base*. Accordingly, withdrawal of this rejection and allowance of claims 11 and 12 are respectfully requested.

VI. Rejection of Claims 13 and 14 Under 35 U.S.C. §103(a)

Claims 13 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ooe, Shawver and Weissappel, *et al.* and further in view of Vance (U.S. 6,389,302). Applicant's representative respectfully requests withdrawal of this rejection for at least the following reasons. Claims 13 and 14 depend from independent claim 1. As stated *supra*, Ooe, Shawver and Weissappel, *et al.* do not teach or suggest the limitations recited of this independent claim.

Vance does not make up for the aforementioned deficiencies of these primary references with respect to claim 1, let alone teach or suggest charging components being spring-loaded *to facilitate the removal of the battery*. On the contrary, Vance merely utilizes a spring-loaded system on the battery to provide "the structural resilience to allow the battery to 'float' in the direction of the 'x' translation axis so that it moves forward and rearward in concert with the repeated forward and rearward deflection of the piezo-ceramic member." (See Col. 5, lines 52-58). In other words, the spring-loaded system is not utilized to facilitate the removal of the battery, but rather to allow the battery to move and create a vibrating motion. Vance teaches a vibration technique utilizing the battery of a radiotelephone in which the battery contact springs allow a negative force to produce a repetitive motion – Vance does not teach or suggest a spring-loaded system to facilitate

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removal of the battery. Accordingly, withdrawal of this rejection and allowance of claims 13 and 14 is respectfully requested.

VII. Rejection of Claim 15 Under 35 U.S.C. §103(a)

Claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Ooe and Shawver, and further view of Marin (U.S. 4,935,742). This rejection should be withdrawn for at least the following reasons.

Claim 15 depends from independent claim 1. Ooe and Shawver do not teach or suggest the limitations of this independent claim. Additionally, Marin does not cure the aforementioned deficiencies of these primary references with respect to claim 1. In view of the above, withdrawal of this rejection and allowance of claim 15 is respectfully requested.

VIII. Rejection of Claims 18-20 Under 35 U.S.C. §103(a)

Claims 18-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ooe in view of Shawver in further view of Pruss, *et al.* (U.S. 6,639,561). Applicant's representative respectfully requests withdrawal of this rejection for at least the following reasons.

The Examiner relies upon Pruss, *et al.* to cure the aforementioned deficiencies of Ooe and Shawver. Yet, Ooe, Shawver, and Pruss *et al.* do not teach or suggest all features of the claimed invention. In particular, independent claim 18 (of which claims 19 and 20 depend from) recites positioning a latch that is *movable perpendicular to the housing* in front of the opening. No where in Ooe, Shawver, and Pruss *et al.* is such feature taught or suggested. Accordingly, this rejection should be withdrawn.

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IX. Rejection of Claims 21 and 22 Under 35 U.S.C. §103(a)

Claims 21 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ooe, Shawver and Pruss, *et al.* and further in view of Weisshappel, *et al.* This rejection should be withdrawn for at least the following reasons.

Claims 21 and 22 depend from independent claim 18. As stated *supra*, Ooe and Shawver do not teach or suggest the limitations of this independent claim. Additionally, Marin does not cure the aforementioned deficiencies of these primary references with respect to claim 18. Therefore, this rejection should be withdrawn.

X. Rejection of Claim 23 Under 35 U.S.C. §103(a)

Claim 23 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Ooe, Shawver, Pruss *et al.* and Weisshappel, *et al.* in further view of Vance. This rejection should be withdrawn for at least the following reasons.

Claim 23 depends from independent claim 18. Ooe and Shawver do not teach or suggest the claim limitations as recited in this independent claim. Additionally, Weisshappel, *et al.* and Vance do not cure the aforementioned deficiencies of these primary references with respect to independent claim 18. In view of at least the reasons above, the withdrawal of the rejection of claim 23 is respectfully requested.

XI. Rejection of Claim 24 Under 35 U.S.C. §103(a)

Claim 24 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Ooe, Shawver, and Pruss *et al.* in further view of Marin. Applicant's representative respectfully requests withdrawal of this rejection in view of the following reasons.

The Examiner relies upon Marin, *et al.* to cure the aforementioned deficiencies of Ooe and Shawver. However, Ooe, Shawver, Pruss *et al.* nor Marin teach or suggest all features of the claimed invention. In particular, independent claim 18 (of which claim 24 depends from) recites a latch that is *movable perpendicular to the housing* in front of the opening. Accordingly, withdrawal of this rejection and allowance of claim 24 is respectfully requested.

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XII. Rejection of Claim 25 and 26 Under 35 U.S.C. §103(a)

Claim 25 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ooe in view of Shawver in further view of Weissshappel, *et al.* This rejection should be withdrawn for at least the following reasons.

Independent claim 25 recites utilizing a latch movement *perpendicular to the base* in order to mitigate device movement in a final degree of freedom, wherein the final degree of freedom is *parallel to the base* and releasing the device utilizing the latch movement *perpendicular to the base*. Ooe, Shawver, nor Weissshappel *et al.* teach or suggest such features of applicant's claimed invention. Therefore, this rejection should be withdrawn.

XIII. Rejection of Claim 27 Under 35 U.S.C. §103(a)

Claim 27 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Ooe in view of Shawver in view of Pruss *et al.* and further in view of Derr, *et al.* Applicant's representative respectfully requests withdrawal of this rejection for at least the following reasons.

Independent claim 27 has been amended herein to emphasize that the latch movement is *perpendicular to the base* and *limits the movement* of the hand held device in a final degree of freedom, wherein the final degree of freedom is *parallel to the base*. Ooe, Shawver, and Pruss *et al.* do not, taken individually or in combination, do not teach or suggest such aspect of the invention. Accordingly, withdrawal of this rejection and allowance of claim 27 is respectfully requested.

XIV. Rejection of Claim 28 Under 35 U.S.C. §103(a)

Claim 28 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Ooe, Shawver, Pruss *et al.*, and Derr, *et al.* and further in view of Marin (U.S. 4,935,742). Applicant's representative respectfully requests withdrawal of this rejection in view of the following reasons.

Claim 28 depends from independent claim 27. Ooe, Shawver, Pruss *et al.*, and Derr do not teach or suggest the limitations of this independent claim. Additionally,

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Marin does not cure the aforementioned deficiencies of these primary references with respect claim 27. In view of the above, withdrawal of this rejection and allowance of claim 27 is respectfully requested.

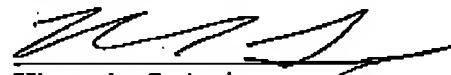
CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,
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